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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,416	02/10/2004	Fadi R. Jabbour	062891.1211	9724

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EXAMINER	
ZENATI, AMAL S	

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
08/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/775,416	JABBOUR ET AL.	
	Examiner	Art Unit	
	AMAL ZENATI	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04/28/2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Consider **Claims 1, 2, 14, 15, 16, 28, 29, 42, and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Deutsch et al (US Patent No.: 6,724,885 B1; hereinafter Deutsch)** in view of **Randall et al (US Patent No.: 7,248,677 B2; hereinafter Randall)**

Consider **claims 1, 15, 29, and 42, Deutsch** clearly shows and discloses a method, a system, and a computer program for routing calls of an automatic call distributor system (col.1, line 46), comprising: receiving a call from a caller requesting connection with one of a plurality of agents (col. 1, lines 62-67); providing the caller with an option and assigning a higher priority to the call if the caller commits to the option (fig. 2, labels: 202-218); however, Deutsch does not disclose that the option is to allow the caller to commit to a predetermined time limit for the call time.

In the same field of endeavor, **Randall** clearly discloses the method, the system, and the computer program, comprising: allowing the caller to commit to predetermined time limit for the call time (col. 5, lines 48-54)

Randall discloses the above option for the purpose of providing the call recipient with useful information about the call before actually answering the call, these information such as call duration help the recipient to decide to answer the call or not (col. 5, lines 55-62; and abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the caller to commit to predetermined time limit for the call time as taught by Randall in Deutsch, in order to provide the call recipient with useful information about the call before actually answering the call, these information such as call duration help the recipient to decide to answer the call.

Consider **claims 2, 16, and 30**, **Deutsch and Randall** clearly shows the method, the system, and the computer program, wherein assigning the call a higher priority comprises: queuing the call in a queue, in response to the caller committing to the predetermined time limit; queuing the call in a second queue, in response to the caller choosing not to commit to the predetermined time limit (Deutsch: col. 3, 40-45).

Consider **claims 14 and 28**, **Deutsch and Randall** clearly shows the method, and the system, wherein providing the caller with the option comprising: providing the caller with an estimated wait time based at least on the predetermined time limit (Deutsch: col. 3, lines 52-55); and providing the caller with the option to commit to the predetermined time limit for the call time (Deutsch: fig. 2, label: 202-216; and Randall: col. 5, lines 47-53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Consider **Claims 3, 4, 5, 10, 17, 18, 19, 24, 31, 32, 33, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Deutsch et al (US Patent No.: 6,724,885 B1; hereinafter Deutsch)** in view of **Randall et al (US Patent No.: 7,248,677 B2; hereinafter Deutsch)** and further in view of **Kohler (US Patent No. 5,721,770)**

Deutsch and Randall disclose the claimed invention above but lack teaching the details for determining that a call time associated with the call has exceeded a predetermined time limit and initiating a remedial action if the call time has exceeded the predetermined time.

In the same field of endeavor, **Kohler** clearly discloses the method, the system, and the computer program, further comprising: connecting the call to one of the agents; starting a timer in response to connecting the call, determining that a call time associated with the call has exceeded a predetermined time limit; and initiating a remedial action, in response to determining that the call time has exceeded the predetermined time based on the timer; wherein initiating

the remedial action comprises disconnecting the call (re-queuing the call in the first queue or in the holding queue) (col. 5, lines 34-49; fig. 3).

Kohler discloses the above steps for the purpose of maximize the agent's productivity and to provide a variety of work balanced with time in order to prevent agent burn out (col. 1, lines 55-59).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to monitor the call duration as taught by Kohler in Deutsch and Randall, in order to of maximize the agent's productivity and to provide a variety of work balanced with time to improve efficiency in the call answering resources.

5. Consider **Claims 6 - 9, 11, 12, 13, 20 - 23, 25, 26, 27, 34 - 37, 39, 40, and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Deutsch et al (US Patent No.: 6,724,885 B1; hereinafter Deutsch)** in view of **Randall et al (US Patent No.: 7,248,677 B2; hereinafter Deutsch)** in view of **Kohler (US Patent # 5,721,770)** and further in view of **Szlam et al** (**US Patent # 5,214,688**)

Deutsch, Randall, and **Kohler** disclose the claimed invention above but lack teaching of the details for whether to extend the predetermined time limit or not.

In the same field of endeavor, **Szlam et al** clearly discloses the method, the system, and the computer program, wherein initiating the remedial action comprises: deciding whether to extend the predetermined time limit; determining that the time associated with the call has exceeded a second predetermined time limit; and initiating a second remedial action in response to determining that the time associated with the call has exceeded the second predetermined time limit; wherein indicating to the caller comprises generating an audio tone (alter the user); and wherein indicting the caller comprises playing a recorded message caller (col.12, lines 9-20).

Szlam et al discloses the above for the purpose of changing the criteria of predetermined the time limit (excessive time) (col. 12, lines 18-19).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to extend the predetermined time limit as taught by Szlam in Deutsch, Randall, and Kohler, in order to change the criteria for the predetermined time limit (excessive time) as needed.

Response to Argument

Applicants' arguments, see Remarks page 12-13, filed 04/28/2008, with respect to the rejection(s) of claim(s) 1 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new found prior arts.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571- 270- 1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

Examiner Amal Zenati
/Amal Zenati/

July 30, 2008